

## **IC 20-10.1-16**

### **Chapter 16. Indiana Statewide Testing for Educational Progress**

## **IC 20-10.1-16-1**

### **"Academic standards" defined**

Sec. 1. As used in this chapter, "academic standards" refers to the statewide academic standards developed under this chapter and under IC 20-10.1-17 indicating the skills and knowledge base expected of a student at a particular grade level for a particular subject area.

*As added by P.L.390-1987(ss), SEC.24. Amended by P.L.146-1999, SEC.5.*

## **IC 20-10.1-16-1.5**

### **"Graduation examination" defined**

Sec. 1.5. As used in this chapter, "graduation examination" means the test designated by the state board of education under the ISTEP program.

*As added by P.L.340-1995, SEC.61.*

## **IC 20-10.1-16-2**

### **"ISTEP program" defined**

Sec. 2. As used in this chapter, "ISTEP program" refers to the Indiana statewide testing for educational progress program developed and administered under this chapter.

*As added by P.L.390-1987(ss), SEC.24.*

## **IC 20-10.1-16-3**

### **"Student" defined**

Sec. 3. As used in this chapter, "student" means any individual who is enrolled in:

- (1) a public school;
- (2) an accredited nonpublic school; or
- (3) another nonpublic school that has requested and received from the state board specific approval of the school's educational program.

*As added by P.L.390-1987(ss), SEC.24. Amended by P.L.136-1988, SEC.3; P.L.23-1993, SEC.119; P.L.340-1995, SEC.62; P.L.12-1998, SEC.3.*

## **IC 20-10.1-16-4**

### **Duties of board, state superintendent, and department**

Sec. 4. (a) The board shall:

- (1) authorize the development and implementation of the Indiana statewide testing for educational progress program; and
- (2) determine the date on which the statewide testing is administered in each school corporation.

(b) The state superintendent is responsible for the overall development, implementation, and monitoring of the ISTEP program.

(c) The department shall prepare detailed design specifications for the ISTEP program that must do the following:

- (1) Take into account the academic standards.
- (2) Include testing of students' higher level cognitive thinking in each subject area tested.

*As added by P.L.390-1987(ss), SEC.24. Amended by P.L.146-1999, SEC.6.*

#### **IC 20-10.1-16-5**

##### **Purposes of program; content of tests**

Sec. 5. (a) The purposes of the ISTEP program developed under this chapter are as follows:

- (1) To assess the strengths and weaknesses of school performance.
- (2) To assess the effects of state and local educational programs.
- (3) To compare achievement of students in Indiana to achievement of students on a national basis.
- (4) To provide a source of information for state and local decision makers with regard to educational matters, including the following:
  - (A) The overall academic progress of students.
  - (B) The need for new or revised educational programs.
  - (C) The need to terminate existing educational programs.
  - (D) Student readiness for postsecondary school experiences.
  - (E) Overall curriculum development and revision activities.
  - (F) Identifying students who may need remediation under IC 20-10.1-17.
  - (G) Diagnosing individual student needs.
  - (H) Teacher training and staff development activities.

(b) To carry out the purposes described in subsection (a), each English/language arts and mathematics test developed for use under ISTEP must include the following:

- (1) A method of testing basic skills appropriate for the designated grade level, including multiple choice questions.
- (2) A method of testing applied skills appropriate for the designated grade level, including short answer or essay questions and the solving of arithmetic or mathematical problems.
- (3) A method of testing and grading that will allow comparison with national and international academic standards.

*As added by P.L.390-1987(ss), SEC.24. Amended by P.L.340-1995, SEC.63; P.L.146-1999, SEC.7.*

#### **IC 20-10.1-16-5.2**

##### **General language arts essay questions; scoring rubric; anchor paper**

Sec. 5.2. General language arts essay scoring rubrics shall be made available to the public by the department at least four (4) months before the administration of a test. An essay question, a scoring rubric, or an anchor paper used in the ISTEP program must comply with the following:

- (1) For an essay question, have a prompt that is taken from:
  - (A) a textbook on the state textbook adoption list included in IC 20-10.1-9; or
  - (B) a source other than a source listed in clause (A) that is approved by the ISTEP program citizens' review committee established by section 5.5 of this chapter.
- (2) Not seek or compile information about a student's:
  - (A) personal attitudes;
  - (B) political views;
  - (C) religious beliefs;
  - (D) family relationships; or
  - (E) other matters listed in IC 20-10.1-4-15(b).

The ISTEP program citizens' review committee established by section 5.5 of this chapter shall determine whether an essay question or a scoring rubric complies with this subdivision.

*As added by P.L.34-1996, SEC.12.*

#### **IC 20-10.1-16-5.5**

##### **ISTEP program citizens' review committee**

Sec. 5.5. (a) As used in this section, "committee" refers to the ISTEP program citizens' review committee.

(b) The ISTEP program citizens' review committee is established.

(c) The committee has fifteen (15) members, appointed as follows:

- (1) The governor and state superintendent shall appoint seven (7) lay members.
- (2) The speaker of the house of representatives shall appoint four (4) members, selected as follows:
  - (A) Two (2) members of the house of representatives from different political parties.
  - (B) Two (2) persons who:
    - (i) are not members of the general assembly; and
    - (ii) have an interest in education.
- (3) The president pro tempore of the senate shall appoint four (4) members, selected as follows:
  - (A) Two (2) members of the senate from different political parties.
  - (B) Two (2) persons who:
    - (i) are not members of the general assembly; and
    - (ii) have an interest in education.

(d) Each member of the committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b) and reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(e) Each member of the committee who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses and other expenses actually

incurred in connection with the member's duties as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(f) Each member of the committee who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

(g) The state superintendent shall:

- (1) convene the committee before a pilot test is conducted; and
- (2) present items listed in subsection (h) to the committee for the committee's review.

(h) The committee shall review each of the following that the department proposes for use in the ISTEP program:

- (1) Essay question and prompt.
- (2) Scoring rubric.

The committee must review an item listed in subdivision (1) or (2) before the item is used in a test.

(i) The committee must reach a consensus on each item listed in subsection (h) before the item may be used in the ISTEP program.

(j) Anchor papers shall be made available for review by the committee as soon as the department selects them.

*As added by P.L.34-1996, SEC.13.*

#### **IC 20-10.1-16-6**

##### **Development of academic standards; academic standards committee**

Sec. 6. (a) The department shall develop academic standards for the following subject areas for each grade level from kindergarten through grade 12:

- (1) English/language arts.
- (2) Mathematics.
- (3) Social studies.
- (4) Science.
- (5) Other subject areas as determined by the department.

(b) The department shall revise and update academic standards for each grade level from kindergarten through grade 12 and in each subject area listed in subsection (a) at least once every six (6) years. This revision must occur on a cyclical basis that coincides with the textbook adoption cycle established in IC 20-10.1-9-4.

(c) The state superintendent shall appoint an academic standards committee that is composed of subject area teachers during the period when a subject area is undergoing revision.

(d) An academic standards committee shall submit recommendations on academic standards for a subject area to the education roundtable (IC 20-1-20.5) for review by the educational roundtable.

(e) The curriculum program of each grade level from kindergarten through grade 12 in a school in a school corporation must be consistent with the following standards:

- (1) The academic standards developed under this section.

- (2) The student competencies developed for the Core 40 college preparation curriculum models established under IC 20-10.1-5.7.

*As added by P.L.390-1987(ss), SEC.24. Amended by P.L.158-1997, SEC.1; P.L.2-1998, SEC.62; P.L.146-1999, SEC.8.*

## **IC 20-10.1-16-7**

### **Scores and test results**

Sec. 7. (a) The scoring of student responses under an ISTEP test:

- (1) must measure student achievement relative to the academic standards established by the Indiana state board of education;
- (2) must adhere to scoring rubrics and anchor papers; and
- (3) may not reflect the scorer's judgment of the values expressed by a student in the student's responses.

(b) This subsection applies to reports of scores in mathematics and English language arts. Reports must:

- (1) provide scores indicating student performance relative to each of the academic standards:

- (A) established by the Indiana state board of education; and
- (B) assessed by the test;

- (2) be related to passing scores established by the board; and

- (3) contain the information listed in subdivisions (1) and (2) for the following levels:

- (A) Individual student.
- (B) Classroom.
- (C) School.
- (D) School corporation.
- (E) The state of Indiana.

(c) Reports of student scores must be:

- (1) returned to the school corporation that administered the test; and

- (2) accompanied by a guide for interpreting scores.

(d) After reports of student scores are returned to a school corporation, the school corporation shall promptly do the following:

- (1) Give each student and the student's parent or guardian the student's ISTEP scores.

- (2) Make available for inspection to each student and the student's parent or guardian the following:

- (A) A copy of the essay questions and prompts used in assessing the student.

- (B) A copy of the student's scored essays.

- (C) A copy of the anchor papers and scoring rubrics used to score the student's essays.

A student's parent or guardian may request a rescoring of a student's responses to a test, including a student's essay. No individual's ISTEP scores may be disclosed to the public.

(e) After a school receives score reports, the school shall schedule a parent/teacher conference with the following:

- (1) A parent who requests a parent/teacher conference on the scores of the parent's child.

(2) The parent of each student who does not receive a passing score on the test. The conference must include a discussion of:

(A) the student's test scores, including subscores on academic standards; and

(B) the proposed remediation plan for the student.

(f) The aggregate results of the ISTEP tests shall be compiled by each school corporation in a manner that will permit evaluation of learning progress within the school corporation. The school corporation shall make the compilation of test results available for public inspection and shall provide that compilation to the parent or guardian of each student tested under the ISTEP program.

(g) The department shall develop a format for the publication by school corporations in an annual performance report required by statute of appropriate academic information required by the department, including ISTEP scores, in a manner that a reasonable person can easily read and understand.

(h) The school corporation shall provide the ISTEP program test results on a school by school basis to the department upon request.

(i) Upon request by the commission for higher education, the department shall provide ISTEP program test results to the commission for those students for whom the commission under 20 U.S.C. 1232(g) has obtained consent.

*As added by P.L.390-1987(ss), SEC.24. Amended by P.L.342-1989(ss), SEC.19; P.L.340-1995, SEC.64; P.L.34-1996, SEC.14; P.L.146-1999, SEC.9.*

## **IC 20-10.1-16-8**

### **Testing schedule; children with disabilities**

Sec. 8. (a) The state superintendent shall develop an ISTEP program testing schedule in which:

(1) each student in grades 3, 6, 8, and 10 must be tested; and

(2) each student in grade 10 must take a graduation examination.

The board shall adopt rules to establish when a student is considered to be in grade 10 for purposes of initially taking the graduation examination.

(b) A student who is a child with a disability (as defined in IC 20-1-6-1) shall be tested under this chapter with appropriate accommodations in testing materials and procedures unless the individuals who develop the child's individualized education program determine that testing under this chapter, or a part of the testing, is not appropriate for the student and that an alternate assessment will be used to test the student's achievement.

(c) Any decision with regard to a student who is a child with a disability (as defined in IC 20-1-6-1) to participate in testing under this chapter, to receive accommodations in testing materials and procedures, to participate in remediation under IC 20-10.1-17, or to be retained at the same grade level for consecutive school years shall be made in accordance with the child's individualized education program, subject to the ISTEP program manual, and federal law.

*As added by P.L.390-1987(ss), SEC.24. Amended by P.L.164-1991, SEC.1; P.L.23-1993, SEC.120; P.L.340-1995, SEC.65; P.L.34-1996, SEC.15; P.L.12-1998, SEC.4; P.L.193-1999, SEC.1.*

#### **IC 20-10.1-16-9**

##### **Nonpublic schools**

Sec. 9. (a) If a nonpublic school seeks accreditation as authorized under IC 20-1-1-6(a)(5), the governing body of the nonpublic school is entitled to acquire at no charge from the department:

- (1) the ISTEP program test; and
  - (2) the scoring reports used by the department.
- (b) The nonpublic school seeking accreditation must:
- (1) administer the ISTEP program test to its students at the same time that school corporations administer the test; and
  - (2) make available to the department the results of the ISTEP program testing.

*As added by P.L.390-1987(ss), SEC.24. Amended by P.L.208-1989, SEC.2; P.L.25-1995, SEC.70.*

#### **IC 20-10.1-16-9.1**

##### **Innovative testing methods; pilot program**

Sec. 9.1. (a) The department shall establish a pilot program to examine innovative testing methods.

(b) The department shall select a representative sample of school corporations determined through an application procedure to participate in the pilot program under this section.

(c) The types of methods authorized under this program include the following:

- (1) Recently developed techniques for measuring higher order thinking skills.
- (2) Performance testing of academic standards that are difficult to measure by a written test format.
- (3) Expanded subject area assessment using student writing samples.

(d) The funds necessary to implement a pilot program under this section shall be expended from the research and development program under IC 20-10.1-22.

*As added by P.L.51-1990, SEC.20. Amended by P.L.164-1991, SEC.2; P.L.146-1999, SEC.10.*

#### **IC 20-10.1-16-10**

##### **Rules**

Sec. 10. The board shall adopt rules under IC 4-22-2 to implement this chapter.

*As added by P.L.390-1987(ss), SEC.24.*

#### **IC 20-10.1-16-11**

##### **Use of state funds**

Sec. 11. If state funds appropriated for remediation are available under IC 20-10.1-17 at the end of the state fiscal year:

- (1) those funds do not revert to the state general fund; and
- (2) those funds shall be transferred to the 4R's technology program for use under IC 20-10.1-25-2.1.

*As added by P.L.19-1992, SEC.36. Amended by P.L.38-1993, SEC.54; P.L.24-1994, SEC.4; P.L.340-1995, SEC.66.*

#### **IC 20-10.1-16-12**

##### **Duties of contractor scoring tests**

Sec. 12. (a) The contractor that the department engages for scoring tests shall identify locations in Indiana that provide a supply of labor and other resources necessary to provide scoring services for the program.

(b) Beginning with the scoring of the test given during the 1995-1996 school year, the contractor shall relocate to Indiana the contractor's facilities for scoring the applied skills portions of tests given under section 7 of this chapter.

*As added by P.L.340-1995, SEC.67.*

#### **IC 20-10.1-16-13**

##### **Requirements for graduating students; graduation examination**

Sec. 13. (a) Beginning with the class of students who expect to graduate during the 1999-2000 school year, each student is required to meet:

- (1) the academic standards tested in the graduation examination; and
- (2) any additional requirements established by the governing body;

to be eligible to graduate.

(b) A student who does not meet the academic standards tested in the graduation examination shall be given the opportunity to be tested during each semester of each grade following the grade in which the student is initially tested until the student achieves a passing score.

(c) A student who does not achieve a passing score on the graduation examination may be eligible to graduate if all of the following occur:

- (1) The principal of the school the student attends certifies that the student will within one (1) month of the student's scheduled graduation date successfully complete all components of the Core 40 curriculum as established by the board under IC 20-10.1-5.7-1.
- (2) The student otherwise satisfies all state and local graduation requirements.

(d) A student who does not achieve a passing score on the graduation examination and who does not meet the requirements of subsection (c) may be eligible to graduate if the student does all of the following:

- (1) Takes the graduation examination in each subject area in which the student did not achieve a passing score at least one (1) time every school year after the school year in which the



student first takes the graduation examination.

(2) Completes remediation opportunities provided to the student by the student's school.

(3) Maintains a school attendance rate of at least ninety-five percent (95%) with excused absences not counting against the student's attendance.

(4) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the board.

(5) Obtains a written recommendation from a teacher of the student in each subject area in which the student has not achieved a passing score. The recommendation must:

(A) be concurred in by the principal of the student's school; and

(B) be supported by documentation that the student has attained the academic standard in the subject area based upon:

(i) tests other than the graduation examination; or

(ii) classroom work.

(6) Otherwise satisfies all state and local graduation requirements.

(e) This subsection applies to a student who is a child with a disability (as defined in IC 20-1-6-1). If the student does not achieve a passing score on the graduation examination, the student's case conference committee may determine that the student is eligible to graduate if the case conference committee finds the following:

(1) The student's teacher of record, in consultation with a teacher of the student in each subject area in which the student has not achieved a passing score, makes a written recommendation to the case conference committee. The recommendation must:

(A) be concurred in by the principal of the student's school; and

(B) be supported by documentation that the student has attained the academic standard in the subject area based upon:

(i) tests other than the graduation examination; or

(ii) classroom work.

(2) The student meets all of the following requirements:

(A) Retakes the graduation examination in each subject area in which the student did not achieve a passing score as often as required by the student's individualized education program.

(B) Completes remediation opportunities provided to the student by the student's school to the extent required by the student's individualized education program.

(C) Maintains a school attendance rate of at least ninety-five percent (95%) to the extent required by the student's individualized education program with excused absences not counting against the student's attendance.

(D) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the board.

(E) Otherwise satisfies all state and local graduation requirements.

*As added by P.L.340-1995, SEC.68. Amended by P.L.146-1999, SEC.11; P.L.193-1999, SEC.2.*

#### **IC 20-10.1-16-14**

##### **Determination and adoption of rules concerning grade 12 test**

Sec. 14. Notwithstanding section 7 of this chapter, if the legislative testing issues study committee recommends that grade 12 testing be added or modified, the state board shall make a determination and may adopt rules under IC 4-22-2 to add, modify, or abolish the grade 12 test.

*As added by P.L.340-1995, SEC.69.*

#### **IC 20-10.1-16-15**

##### **National or international assessments**

Sec. 15. (a) The board may require schools to participate in national or international assessments.

(b) The board may establish an assessment to be administered at the conclusion of each Core 40 course in English/language arts, mathematics, social studies, and science. However, participation in a Core 40 assessment established under this subsection must be voluntary on the part of a school corporation.

(c) The board may establish a diagnostic reading assessment for use in grade 1 and grade 2 for the purpose of promoting grade level reading competency by grade 3. However, participation in a reading assessment established under this subsection must be voluntary on the part of a school corporation.

*As added by P.L.146-1999, SEC.12.*